

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

January 19, 2009

There are no minutes for this date.

January 20, 2009

C054551 THE PEOPLE v. (Not For Publication)
GILBERTO MARTINEZ

The judgment is affirmed.

DAVIS, J.

We Concur: Sims, Acting P.J.

Raye, J.

C056284 THE PEOPLE v. (Not For Publication)
MICHAEL SHANNON WILSON

The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment omitting the \$702 for the cost of investigation and the presentence report and the \$25 per-test cost for urinalysis testing, and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.

DAVIS, J.

We Concur: Scotland, P.J.

Morrison, J.

C057723 THE PEOPLE v. (Not For Publication)
GARY WAYNE GOODSELL

The trial is hereby directed to strike the portion of defendant's probation conditions that imposes 60 days of incarceration in the Sacramento County Jail. The judgment is otherwise affirmed.

DAVIS, J.

We Concur: Blease, Acting P.J.

Raye, J.

**COURT OF APPEAL
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Court Minutes

January 21, 2009, Continued

- C058048 THE PEOPLE v. (Not For Publication)**
JACOB CURTIS HENSON
The Yolo County trial court's December 14, 2007, order imposing an eight-month prison sentence in case no. 06-1918, to be served consecutively to his two-year sentence in the San Bernardino County matter, is reversed, and defendant's original three-year sentence with execution suspended and grant of probation reinstated. ...
The trial court is directed to prepare an amended abstract of judgment in accordance with this opinion and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
DAVIS, J.
We Concur: Sims, Acting P.J.
 Hull, J.
- C058098 THE PEOPLE v. ELEAZAR IBARROLA (Not For Publication)**
The judgment is affirmed.
BLEASE, J.
We Concur: Scotland, P.J.
 Davis, J.
- C058590 THE PEOPLE v. (Not For Publication)**
SPENCER LEE WARMINGTON
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Davis, J.
 Hull, J.
- C056912 CONTRERAS v. STATE OF (Not For Publication)**
CALIFORNIA et al.
The judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (5).)
SIMS, Acting P.J.
We Concur: Davis, J.
 Hull, J.

**COURT OF APPEAL
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Court Minutes

January 20 2009, Continued

**C058875 In re E.H.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. B.H.**

The order denying the petition for modification is affirmed. The order terminating parental rights is reversed and the juvenile court is directed to make inquiry of the minor's father's Indian heritage and, if any tribe or tribes are identified, to provide notice of the proceedings to the tribe or tribes.

If no Indian heritage is disclosed, or, if after notice, it is determined the minor is not an Indian child or if information is presented to the juvenile court that affirmatively indicates the minor is an Indian child as defined by the ICWA and the court determines the ICWA applies to this case, the juvenile court is ordered to conduct a new section 366.26 hearing in conformance with all provisions of the ICWA.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.
 Sims, J.

January 21, 2009

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Davis, Associate Justice; Raye, Associate Justice; and Harper, bailiff.

C057345 THE PEOPLE v. JAMES HAYES

Cause called. John Ward, court appointed counsel, argued for appellant. Jeffrey A. White, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:00 a.m., the court recessed. At 10:04 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

C055430 MUZZI et al. v. BEL AIR MART

Cause called. John D. Fairbrook argued and Arthur B. Mark appeared only for appellant. Patrick T. Markham argued for respondent. Cause submitted.

At 10:42 a.m., the court recessed. At 2:00 p.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Raye, Associate Justice.

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Court Minutes

January 21, 2009, Continued

C053372 THE PEOPLE v. JAMES JOSEPH OLAGUE et al.

Cause called. Eileen S. Kotler, court appointed counsel, argued for appellant. Jesse Witt, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:13 p.m., the court recessed until Friday, January 23, 2009.

**C058870 In re D.E. et al.; PLACER COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. K.E.**

The order terminating the parental rights of appellant is affirmed.

NICHOLSON, J.

We Concur: Davis, Acting P.J.
Morrison, J.

**C058953 THE PEOPLE v. CHARLES RICHARD PALMER
BY THE COURT:**

Appellant's petition for rehearing is granted. The decision filed on December 23, 2008, is vacated.

SCOTLAND, P.J.

January 22, 2009

C059880 THE PEOPLE v. JOSHUA LEE BUCK (Not For Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Blease, Acting P.J.
Raye, J.

C056086 GONZALES v. VALLEY RIVCO, INC. (Not For Publication)

The judgment is affirmed. Respondent is awarded costs of appeal.

DAVIS, J.

We Concur: Scotland, P.J.
Robie, J.

**COURT OF APPEAL
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Court Minutes

January 23, 2009

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Butz, Associate Justice; and Harper, bailiff.

C057726 PREMIER CAPITAL, LLC v. NORTH AMENDED

Cause called. Holly Walker argued for appellant. Kerrie North argued in pro. per. for respondent. Cause submitted.

At 9:53 a.m., the court recessed. At 9:54 a.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Butz, Associate Justice.

C056833 DEPARTMENT OF FINANCE v. COMMISSION ON STATE MANDATES

Cause called. Jack C. Woodside, Deputy Attorney General, argued for appellant. Camille S. Shelton, Chief Legal Counsel, argued for respondent. Cause submitted.

At 10:16 a.m., the court recessed. At 10:20 a.m., the court reconvened with Blease, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

C056266 MATHEWS v. MOUNIER, JR.

Cause called. John F. Mounier argued for appellant. Jason W. Burgess argued for respondent. Cause submitted.

At 10:37 a.m., the court recessed. At 10:38 a.m., the court reconvened with Blease, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

C056456 SHULL v. COUNTY OF SACRAMENTO et al.

Cause called. Ben Rosenfeld argued for appellant. David A. Melton argued for respondent. Cause submitted.

At 10:49 a.m., the court recessed. At 2:00 p.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

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January 23, 2009, Continued

Cause called. Mark H. Salyer argued for appellant. William L. Dunbar argued for appeared respondent. Cause submitted.

C049809 DUDASH et al. v. FEATHER RIVER STATE BANK et al.

Cause called. Mark H. Salyer argued for appellant. William L. Dunbar argued for respondent. Cause submitted.

C056405 THE PEOPLE v. (Not For Publication)
CLIFFORD JOHN VANTILBURG

The judgment is reversed, and the matter is remanded to the trial court with instructions to dismiss either count 11 or counts 1, 2, 3, 5, and 6, and to resentence defendant accordingly. In all other respects, the judgment is affirmed.

SCOTLAND, P.J.

We Concur: Raye, J.
Robie, J.

C056800 THE PEOPLE v. URBERTO DOTSON (Not For Publication)

The judgment is affirmed.
MORRISON, Acting P.J.

We Concur: Robie, J.
Cantil-Sakauye, J.

C057479 THE PEOPLE v. (Not For Publication)
LISA ANN MARONEY

The judgment is modified to strike the child abuse restitution fine... The court shall prepare an amended abstract reflecting these modifications and that defendant's conviction for dissuading a witness...is on count 43 and shall forward a certified copy to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.

SIMS, J.

We Concur: Davis, J.
 Hull, J.

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Court Minutes

January 23, 2009, Continued

- C057573 THE PEOPLE v. (Not For Publication)**
BRIAN EDWARD COUNTS
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Hull, J.
Butz, J.
- C057612 THE PEOPLE v. (Not For Publication)**
GUILLERMO GUZMAN RAMIREZ
The judgment is affirmed.
ROBIE, J.
We Concur: Sims, Acting P.J.
Hull, J.
- C058446 THE PEOPLE v. VERNALL SHAW (Not For Publication)**
The sentence is vacated and the matter is remanded for further proceedings to correct the sentencing errors noted in this opinion. In all other respects, the judgment is affirmed.
MORRISON, Acting P.J.
We Concur: Robie, J.
Cantil-Sakauye, J.
- C059677 THE PEOPLE v. (Not For Publication)**
JOSHUA NEIL SMEDLEY
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Raye, J.
Robie, J.
- C056194 THE JUDGE ROTENBURG (Not For Publication)**
EDUCATIONAL CENTER v.
OFFICE OF ADMINISTRATIVE
HEARINGS; CALIFORNIA
DEPARTMENT OF EDUCATION
The judgment is affirmed.
DAVIS, J.
I concur: Butz, J.
I concur in the majority opinion with the exception of footnote 4. In my view, footnote 4 is unnecessary to the judgment, is dictum, and should be omitted from the opinion.
Sims, Acting P.J.

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Court Minutes

January 23, 2009, Continued

- C057201** **COURSEY, as Trustee, etc. v.
LOMO RECEIVING COMPANY,
INC., et al.** **(Not For Publication)**
 The judgment is affirmed.
 BLEASE, J.
We Concur: Scotland, P.J.
 Butz, J.
- C057834** **CHASE BANK USA, N.A. v.
COLTHARP** **(Not For Publication)**
 The judgment is affirmed.
 MORRISON, J.
We Concur: Nicholson, Acting P.J.
 Robie, J.
- C059960** **In re N.D.; SACRAMENTO COUNTY
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. C.C.** **(Not For Publication)**
 The orders of the juvenile court are affirmed.
 ROBIE, J.
We Concur: Blease, Acting P.J.
 Raye, J.
- C056267** **SIXELLS, LLC v. CANNERY BUSINESS
PARK et al.** **(Certified For Publication)**
THE COURT:
 The opinion filed on December 29, 2008, which was not certified for
publication is now certified for publication.
FOR THE COURT:
 NICHOLSON, Acting P.J.
 Robie, J.
 Cantil-Sakauye, J.